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1 — Appeals judges hear Bayou Bridge arguments, to decide if work stoppage remains in place, 3/12/18

http://www.theadvocate.com/baton_rouge/news/environment/article_d3439e72-26db-11e8-9f73-43170dc08708.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share

The fate of the Bayou Bridge Pipeline is now in the hands of three U.S. appeals court judges who will have to decide if it can run through the environmentally sensitive Atchafalaya Basin. Last month, a federal judge in Baton Rouge ordered work to be halted along a roughly 30-mile stretch in the basin. The 163-mile pipeline will carry crude oil between Lake Charles and St. James, but to do so, it must cross the basin.

2 — Administration asks court to dismiss lawsuit from EPA scientists, Hill, 3/12/18

<http://thehill.com/policy/energy-environment/377921-trump-admin-wants-case-over-epa-science-advisers-dismissed>

Attorneys for the Trump administration are asking a court to dismiss a lawsuit challenging Environmental Protection Agency (EPA) Administrator Scott Pruitt's new policy on science advisers. Justice Department attorneys argued that Pruitt's policy preventing EPA grant recipients from serving on external advisory committees is well within government ethics rules and Pruitt's authority to pick his own advisers.

3 — Arkema Chemical Plant Faces Another Lawsuit Over Harvey Chemical Spill, Houston Public Media, 3/12/18

<https://www.houstonpublicmedia.org/articles/news/2018/03/12/272789/arkema-chemical-plant-faces-another-lawsuit-over-harvey-chemical-spill/>

Liberty County has filed a lawsuit against Arkema Inc. When Hurricane Harvey hit the region, the Arkema chemical plant in Crosby flooded. As a result, fires broke out and wastewater tanks overflowed. In its lawsuit, Liberty County claims this contaminated areas inside the county. "The county wants Arkema to clean up any type of residual contamination from the fire and explosions," said Muhammad Aziz, who represents the plaintiffs

4 — Hog-farm permit bill moves to full Arkansas House, Ark. Democrat Gazette, 3/14/18

<http://www.arkansasonline.com/news/2018/mar/14/hog-farm-permit-bill-moves-to-full-hous-1/>

An Arkansas House committee approved with no dissent Tuesday a bill that would ensure limitations to what the public can comment on regarding state animal-farm permits that have already been issued. The General Assembly began a special session Tuesday with six committee meetings taking up the issues on Gov. Asa Hutchinson's agenda, such as animal-farm permits, pharmacy benefit managers, college savings plans and jury waivers. Only House committees met and held votes Tuesday.

5 — Laredo Health Department seeks funding from the EPA, KGNS, 3/13/18

<http://www.kgns.tv/content/news/EPA-talks-about-Brownsfield-Grants-476704703.html>

Laredo representatives were able to meet with officials from the Environmental Protection Agency to talk about local health projects. Dr. Hector Gonzalez was one of the members who traveled to Washington on the city's legislative trip.

6 — EPA Proposes Recycling Aerosol Cans as Universal Waste, Lexology, 3/13/18

<https://www.lexology.com/library/detail.aspx?g=f84185ee-2726-4abb-8573-37cd2f7ba24a>

The U.S. Environmental Protection Agency has issued a proposed rule that is intended to simplify the regulation of hazardous waste aerosol cans by adding them to the list of materials that can be managed under the Universal Waste management system under 40 CFR Part 273. Some states, including California, Colorado, Minnesota, New Mexico, Texas, and Utah have already added aerosol cans to their Universal Waste lists.

7 — Brown water in St. Tammany, Tangipahoa explained, WWL, 3/13/18

<http://www.wwltv.com/article/news/local/brown-water-in-st-tammany-tangipahoa-explained/289-528374137>

For the past year, Daniel and Taylor Munns mornings have started as a mystery. "Sometimes the water comes out brown like coffee, sometimes it's a light brown," said Daniel. "Sometimes it's perfectly clear," said Taylor, "It's just the strangest thing."

8 — Farming agency hails visit to D.C., Ark. Demrat Gazette, 3/14/18

<http://www.nwaonline.com/news/2018/mar/14/farming-agency-hails-visit-to-d-c-20180/>

Ask and ye shall receive? Arkansas Farm Bureau President Randy Veach says it really works. Last week, the group's board members and several staff members -- 16 in all -- traveled to 1600 Pennsylvania Ave. and met with one of President Donald Trump's aides about agriculture, infrastructure and the environment. The Arkansans initiated the consultation.

9 — Advocates: Efforts to protect Illinois River stalled, Tahlequah, 3/14/18

http://www.tahlequahdailypress.com/news/local_news/advocates-efforts-to-protect-illinois-river-stalled/article_37b673bf-2037-59be-bbd7-e7c26dbab683.html

Progress toward a cleaner Illinois River appears to have stalled, and advocates for improved water quality are voicing their frustration with the powers that be. The 15th element on the periodic table, phosphorous, is a vital nutrient for plant life. It's often found in agricultural fertilizers, manure and organic wastes in sewage. However, when too much phosphorous is in water, it can produce more algae than the ecosystem can handle, eliminating the oxygen that can lead to mass deaths of fish. The algae can also grow harmful bacteria that will make people sick when drinking water becomes contaminated.

10 XploSafe of Stillwater gets grant to capture nutrients from wastewater as a fertilizer, Oklahoman, 3/14/18

<http://newsok.com/xplosafe-of-stillwater-gets-grant-to-capture-nutrients-from-wastewater-as-a-fertilizer/article/5586958>

A company specializing in explosives detection is well on its way to demonstrating how its science also can tackle an ongoing sewage-based nitrogen and phosphorous environmental hazard that plagues ponds, lakes, streams and even the Gulf of Mexico. XploSafe is among six small businesses that will share \$1.8 million in funding awarded through the Environmental Protection Agency's Small Business Innovation Research Program.

11 — LDEQ seeks fundable projects, emphasis on green, KATC, 3/13/18

<http://www.katc.com/story/37715829/ldeg-seeks-fundable-projects-emphasis-on-green>

The Louisiana Department of Environmental Quality's Clean Water State Revolving Fund(CWSRF) is seeking qualified eligible projects to be considered for funding. Priority will be given to projects meeting the requirements of the Green Project Reserve (GPR).

12 — New Orleans Approves Natural Gas Power Plant Despite Environmental Racism and Climate Concerns, Desmog, 3/13/18

<https://www.desmogblog.com/2018/03/13/new-orleans-approves-entergy-natural-gas-plant-environmental-racism-climate-change>

Despite hearing over four hours of public comments mostly in opposition, New Orleans City Council recently approved construction of a \$210 million natural gas power plant in a predominantly minority neighborhood. Entergy is proposing to build this massive investment in fossil fuel infrastructure in a city already plagued by the effects of climate change.

13 — TCEQ resolution requests action of Comal County state officials, New Herald, 3/14/18

http://herald-zeitung.com/news/article_1937686a-270d-11e8-96f4-3fcd5be796c5.html

The city council unanimously passed a resolution requesting the Texas Commission on Environmental Quality (TCEQ) take necessary reviews to ensure the health of Comal County citizens at its regular meeting Monday night at city hall. The statement was prompted by a planned Vulcan Materials Company quarry on the corner of Farm-to-Market 3009 and Highway 46.

http://www.theadvocate.com/baton_rouge/news/environment/article_d3439e72-26db-11e8-9f73-43170dc08708.html

Appeals judges hear Bayou Bridge arguments, to decide if work stoppage remains in place

BY STEVE HARDY | SHARDY@THEADVOCATE.COM MAR 13, 2018 - 11:30 AM



BY DAN SWENSON | THE ADVOCATE

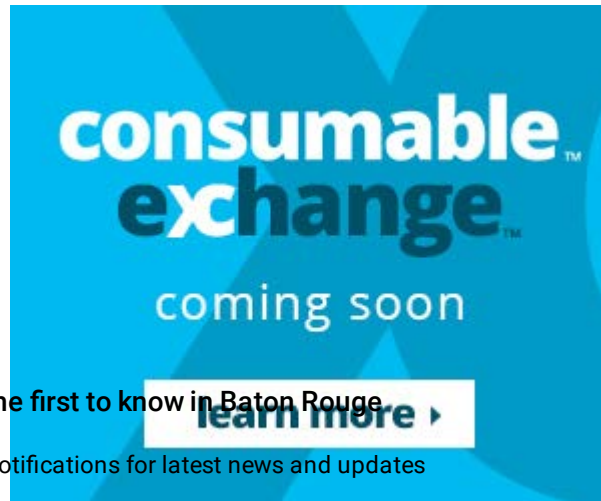
Steve Hardy

The fate of the Bayou Bridge Pipeline is now in the hands of three U.S. appeals court judges who will have to decide if it can run through the environmentally sensitive Atchafalaya Basin.

Last month, a federal judge in Baton Rouge ordered work to be halted along a roughly 30-mile stretch in the basin. The 163-mile pipeline will carry crude oil between Lake Charles and St. James, but to do so, it must cross the basin.

Environmental groups and crawfishermen have said the pipeline will destroy the wetlands, and that the U.S. Army Corps of Engineers has not required adequate offsetting environmental projects. Shelly Dick, the judge in Baton Rouge believes the argument has merit and has agreed to hear the full suit, likely sometime later this year. Until then, she has ordered all work to cease in the basin.

Story Continued Below

A blue rectangular advertisement with a large white 'X' in the background. The text 'consumable exchange' is in white, with 'consumable' in a bold sans-serif font and 'exchange' in a slightly smaller, regular sans-serif font. Below this, 'coming soon' is written in a smaller white font. At the bottom, there is a white button with the text 'Be the first to know in Baton Rouge' and 'learn more' with a right-pointing arrow. Below the button, it says 'Get notifications for latest news and updates'.

THE ADVOCATE
Federal Judge: Work on Bayou Bridge pipeline stopped in Atchafalaya Basin, can continue elsewhere

No thanks Yes

Bayou Bridge, LLC has appealed the decision and Tuesday made its case before a three-judge panel in New Orleans. The appellate judges will consider the arguments but did not issue a ruling Tuesday.

The argument boils down to whether the pipeline company is doing enough to mitigate the damage to the Atchafalaya wetlands and whether Dick was unfair to stop construction, which the company says is costing it almost a million dollars per day.

In court, Bayou Bridge attorneys have said the company is paying about \$21 million into a mitigation bank, which is a land specifically set aside to restore natural ecosystems. Developers can invest in banks to offset damage to the environment.

Conservation groups and crawfishermen contend that the bank, which is 55 miles away from the pipeline, does nothing to help the wetlands that are being destroyed to make way for Bayou Bridge. While the pipeline is felling cypress and tupelo trees to make way for Bayou Bridge, its replanting other species of bottomland hardwoods.

“There is just no dispute. This is out-of-kind mitigation. ... My clients’ livelihood is on the line,” argued attorney Jan Hasselman of Earthjustice, which is representing the plaintiffs.

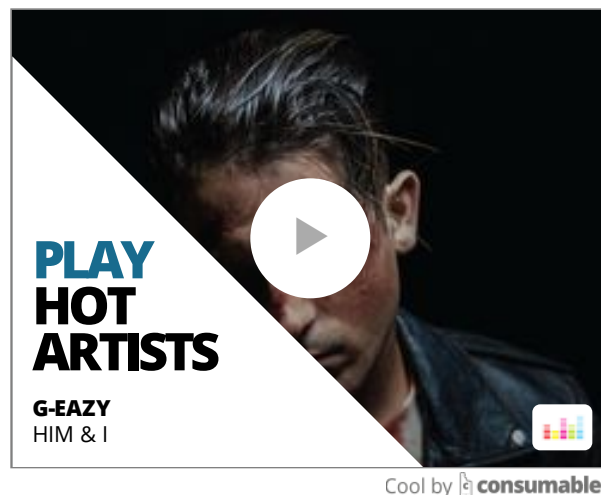
Bayou Bridge attorney Miguel Estrada fired back.

The company followed all the “heavily licensed and regulated” provisions set forth by federal entities including the U.S. Fish and Wildlife Service, the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, he said.

Bayou Bridge isn't replanting cypresses, but they are paying to plant bottomland hardwoods, something that's allowed in regulations that take a broad look at the ecosystem, he continued. Dick erred because she did not fully appreciate the existing regulations, which Bayou Bridge has taken pains to follow, Estrada said.

“This is why we have expert agencies,” he said.

The appellate judges grilled both sides, though Judge Eugene Davis appeared sympathetic to the environmentalists’ argument, remarking that the U.S. Army Corps of Engineers, which has permitting authority, didn’t seem to consider the unique factors of the case before giving it their blessing.



“It doesn’t look to me like they’ve looked at the facts of this case,” he said.

Judge Edith Brown Clement was more critical of the suit.

“What are you asking for? What do you want them to do? ... How can they proceed with their pipeline?” she asked Hasselman again and again. There simply isn’t much land available in mitigation banks located in wetlands, she remarked.

Landowner cites federal suit over Bayou Bridge pipeline in bid to halt construction; court orders her not to interfere

The lawyer said it’s not his job to propose a solution; that responsibility lies with the Corps. Conservationists and crawfishermen have suggested that Bayou Bridge level all the existing spoil banks that impede the flow of water in the basin. The company has protested such a solution, because it would require them to do work on property owned and leased by other private companies and land holders.

What if we order the Corps to reopen the books and they double down on the current mitigation bank, Clement asked.

Hasselman responded that environmentalists will deal with that issue when and if it reaches that point. At least then, he said, they’ll know that the matter got the consideration it deserves.

The appellate court judges will now consider whether to lift the work stoppage or keep it in place.

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Administration asks court to dismiss lawsuit from EPA scientists

BY TIMOTHY CAMA - 03/12/18 10:13 AM EDT

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Attorneys for the Trump administration are asking a court to dismiss a lawsuit challenging Environmental Protection Agency (EPA) Administrator Scott Pruitt's new policy on science advisers.

Justice Department attorneys argued that Pruitt's policy preventing EPA grant recipients from serving on external advisory committees is well within government ethics rules and Pruitt's authority to pick his own advisers.

"Plaintiffs make the extraordinary claim that the EPA's effort to ensure a diversity of viewpoints on advisory committees that provide advice and recommendations to the administrator somehow violates government-wide ethics rules. But the directive that plaintiffs challenge does no such thing," the government wrote in a motion filed late Friday.

Lawyers further argued that the directive is not intended to change ethics rules, but is instead merely "a general statement of policy that describes the appointment philosophy EPA will apply regarding the federal advisory committees it administers."

"Ultimately, the power to appoint committee members is the administrator's alone and is non-reviewable by the courts under the circumstances presented here," the attorneys said in asking for dismissal. "Plaintiffs' challenge to these highly discretionary policy judgments and the EPA's power to make them is unprecedented and should be rejected by the court."

The case is being heard in the federal District Court for the District of Columbia by Judge Trevor McFadden, who was nominated last year by President Trump.

Pruitt [rolled out](#) the policy in October, arguing that EPA grantees — generally academics with expertise in areas such as public health and pollution — have significant conflicts of interests. He said the new policy for advisers would eliminate such conflicts.

“We want to ensure that there’s integrity in the process, and that the scientists who are advising us are doing so with not any type of appearance of conflict,” Pruitt said at the time. “And when you receive that much money ... there’s a question that arises about independence.”

Pruitt estimated that in the past three years, grantees sitting on the main three EPA advisory committees had received \$77 million from the agency. The policy banning grant recipients from the boards is agencywide, applying to all 22 advisory committees.

A handful of committee members were pushed out, and many were replaced by industry- or Republican-friendly advisers.

Some groups and researchers sued the EPA in December, saying the policy violated laws governing ethics, advisory committees in general and specific laws that authorized certain committees.

“EPA’s effort to purge independent scientists from its advisory committees has harmful implications for the nation’s health,” Barbara Gottlieb, director of Physicians for Social Responsibility, said at the time. Her group is the leading plaintiff in the case, Physicians for Social Responsibility et al. v. Scott Pruitt.

“Losing top-flight academic researchers, and replacing them with industry-dependent voices, will undermine actions to protect us from toxic pollutants and life-threatening climate change. If EPA won’t abandon this harmful approach, we’re happy to take them to court,” she said.

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Liberty County follows Harris County as well as individual residents and first responders who sued Arkema

FLORIAN MARTIN | MARCH 12, 2018, 5:25 PM



File photo of September 8, 2017 shows a fire at the Arkema chemical company in Crosby, Texas.

Liberty County has filed a lawsuit against Arkema Inc. When Hurricane Harvey hit the region, the Arkema chemical plant in Crosby flooded, fires broke out and wastewater tanks overflowed.

In its lawsuit, Liberty County claims this contaminated areas inside the county.

“The county wants Arkema to clean up any type of residual contamination from the fire and explosions,” said Muhammad Aziz, who represents plaintiffs.

He said residents as far as five miles from the plant suffered symptoms, such as coughing and vomiting.

Liberty County is asking for penalties of up to \$25,000 per day of non-compliance.

In a statement, Arkema said the lawsuit “unfairly accuses” the company for something it could not foresee. It also says no environmental standards were exceeded in soil or water outside the property.

Harris County is also suing Arkema over the spills, as are residents and first responders in separate lawsuits.



00:03 / 00:49

Florian Martin

BUSINESS REPORTER



Florian Martin is currently the News 88.7 business reporter. Florian’s stories can frequently be heard on other public radio stations throughout Texas and on NPR nationwide. Some of them have earned him awards from Texas AP Broadcasters and the Houston Press Club. Florian is a native of Germany. His studies...

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Hog-farm permit bill moves to full Arkansas House

Measure restricts public comments

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By Emily Walkenhorst and M

This article was published today at 4:30 a.m.



PHOTO BY STATON BREIDENTHAL

Rep. Jeff Wardlaw, R-Hermitage, speaks in favor of his bill on state animal-farm permits Tuesday. Michael Grappe (left), director of special projects at the Department of Environmental Quality, said banks and farmers need the "protection" the measure provides.

[Comments \(3\)](#)

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An Arkansas House committee approved with no dissent Tuesday a bill that would ensure limitations to what the public can comment on regarding state animal-farm permits that have already been issued.

The General Assembly began a special session Tuesday with six committee meetings taking up the issues on Gov. Asa Hutchinson's agenda, such as animal-farm permits, pharmacy benefit managers, college savings plans and jury waivers. Only House committees met and held votes Tuesday. Senate bill sponsors instead made presentations to the full Senate, with no votes taking place. Senate committees are scheduled to consider bills today.

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The House Public Health, Welfare and Labor Committee approved on a voice vote with no dissent House Bill 1007, sponsored by Rep. Jeff Wardlaw, R-Hermitage. HB1007, which now will be considered by the full House, states that animal farms in good standing that apply for permit modifications cannot have anything more than the modifications commented on. The Senate Public Health, Welfare and Labor Committee will consider the Senate version of the bill at 9 a.m. today.

Wardlaw said the bill only puts in writing what the Arkansas Department of Environmental Quality already practices. He said it would not affect C&H Hog Farms, to which the department recently denied another permit. The farm is located on a creek that empties into the Buffalo National River.

"It's got a lot of bad rumors out there," Wardlaw said of the bill. "This bill does nothing to help or harm C&H Hog Farms at all."

The bill could not affect the hog farm because the hog farm doesn't have a liquid-animal-waste system permit issued under Regulation 5, which is a state permitting program.

Hog farm opponents told lawmakers they were concerned the bill was not written clearly enough to ensure that C&H could not be affected. The bill did not specify that it would only apply to Regulation 5 permits. C&H had a Regulation 6 permit, which is state-run permitting program that implements federal requirements. The farm still operates under that expired permit while the farmers appeal their permit denial.

"This language says only an 'existing permit,'" said Gordon Watkins, president of the Buffalo River Watershed Alliance. "This does not distinguish between Regulation 5 and Regulation 6."

Inserting a phrase that states it only applies to Regulation 5 farms or future farms would address his group's concerns, he said.

When asked by a reporter why he would not include language specifying Regulation 5 in the bill, Wardlaw said, "I don't think you need it."

Other representatives said they thought Regulation 6 would not qualify as a "state permit" but rather a federal one.

The bill applies to liquid-animal-waste system permits, which are typically hog farms. Poultry farms generally employ dry-litter-waste systems and don't require permits. Cattle farms require them only when the cows are confined, which they typically aren't.

Rep. Frederick Love, D-Little Rock, asked several times why the bill was needed.

Wardlaw said the Department of Environmental Quality's denial of C&H's permit application spurred the legislation because it caused distress to "financial institutions" that lend to animal farms. They were concerned that a farm, after receiving a permit, could be shut down because of public comments, and they wouldn't get their money back, he said.

Banks and farmers don't feel like they had the security they once had, said Michael Grappe, director of special projects at the Department of Environmental Quality.

"This bill simply provides them the protection they need so they can continue to do the business of farming in this state," he said.

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When asked by a reporter which financial institutions had approached legislators with concern about lending to animal farms, Wardlaw said he would not disclose that.

Shortly after the House committee approved the bill, Sen. Gary Stubblefield, R-Branch, presented the same bill before the full Senate as Senate Bill 8.

"This is not exactly what we were working towards ... but that's what it came down to," he said.

Stubblefield said he wished the bill had been tailored to help C&H but that the final version was good enough because it would still help farmers. In response to a question from Sen. Joyce Elliott, D-Little Rock, about why the bill was needed, he said he didn't "even like the way the bill is written."

At midday Tuesday the governor, who called the Legislature into the special session, spoke to the Political Animals Club in Little Rock. Hutchinson said that Wardlaw's legislation is narrower than draft legislation circulated before the session that had some C&H opponents worried that it would keep C&H open.

"What happened was that a lot of the farmers in the community got concerned that, 'Well, if the C&H hog farm is going to be denied continuation of their permit, then somehow it is going to impact my right to farm,'" Hutchinson said. The bill should ease those farmers' fears, he said.

The Arkansas Department of Environmental Quality denied C&H Hog Farms' permit application in January after public comments raised concerns about the farmers not following proper protocol in their waste-application process. The farmers, because of the location of the farm, should have submitted an emergency action plan and a groundwater flow direction study.

C&H, which began operating in May 2013, is located on Big Creek, about 6 miles from where the creek flows in the Buffalo National River. The recreational river was visited by 1.5 million people last year. The farm is allowed to house up to 4,000 piglets and 2,503 sows and is considered a "large" concentrated animal feeding operation under federal standards. It's the only facility of that size in the Buffalo River's watershed, which has caused concern among some Newton County residents, the tourism industry, river visitors and conservationists.

Senate President Pro Tempore Jonathan Dismang, R-Searcy, said he decided to have sponsoring senators first explain their bills on the Senate floor.

"I thought it would be valuable for the members to come in and go ahead and start having the debate on some of these bills, and getting the bills in front of all the members could also allow public consumption of the bills to take place," Dismang said.

On the other side of the Capitol, House Speaker Jeremy Gillam, R-Judsonia, decided to send the bills to House committees for consideration-- which is the usual practice -- because Gillam indicated that representatives "were comfortable going through the committee process," said House spokesman Cecillea Pond-Mayo.

Both Dismang and Gillam said Tuesday they expect the session to end Thursday.

Also on Tuesday, the House Education Committee gave unanimous consent to a bill dealing with how siblings are counted when considering a school district's limit on the annual number of school-choice transfers.

The sponsor of the legislation, state Rep. Mark Lowery, R-Maumelle, said legislation passed in 2015 regarding the caps on school-choice transfers had erroneously counted all siblings as one student in an effort to prevent families from having to send their children to separate schools.

That caused some schools to go way over their limit on transfers, Lowery said. Instead, his bill, House Bill 1009, only considers siblings together as one student if that group of siblings would otherwise set the district over its transfer limit.

No one spoke against or objected to the bill, which now goes to the House for full consideration.

Information for this article was contributed by John Moritz of the Arkansas Democrat-Gazette.

A Section on 03/14/2018

Print Headline: Hog-farm permit bill moves to full House

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WED 14	Mindbender Mansion Museum of Discover... Little Rock, AR
WED 14	Exposed: Unmentionables, 1900s-... Esse Purse Museum Little Rock, AR
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TimberTopper says...

March 14, 2018 at 8 a.m.

Silence the people!

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hah406 says...

March 14, 2018 at 8:13 a.m.

I don't buy the argument that this is at the request of financial institutions. This bill is about protecting C&H and their continued ability to destroy the finest river in this state. Wait for the first big fish kill. They will trace it straight back to hog crap coming from that industrial hog operation.

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PopMom says...

March 14, 2018 at 8:19 a.m.

Yes, silence the people and do everything you can to ruin tourism in Arkansas so one farm can put their \$hit in the river.

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Laredo Health Department seeks funding from the EPA



By Lizette Garcia | Posted: Tue 6:40 PM, Mar 13, 2018

LAREDO, Texas (KGNS) - Laredo representatives were able to meet with officials from the Environmental Protection Agency to talk about local health projects.



Dr. Hector Gonzalez was one of the members who traveled to Washington on the city's legislative trip.

The trip was made to seek grants for Laredo Agricultural Sector, a disease lab, and a detox center to help those struggling with addiction.

During the trip, new funding was located for the Health Sector of Laredo and if acquired, these grants will keep funding the medical center in Laredo and various projects that the health department has in mind.

A follow up meeting is expected to take place in an effort to acquire some of these grants.

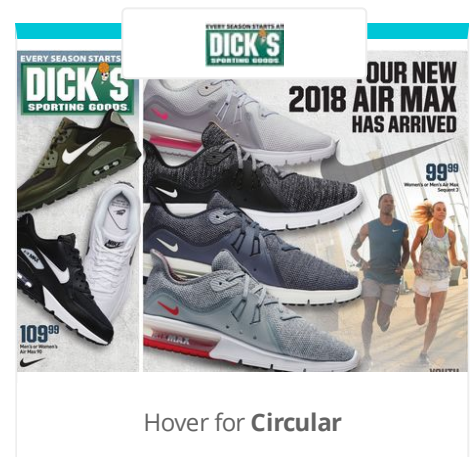
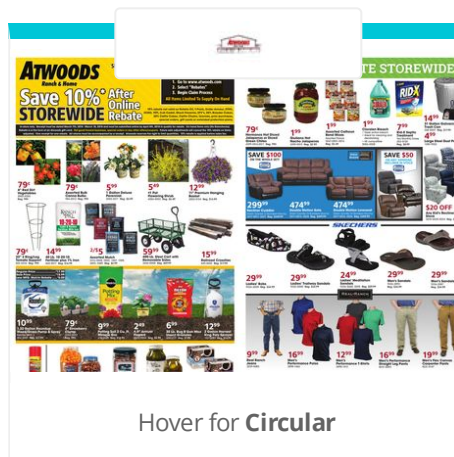
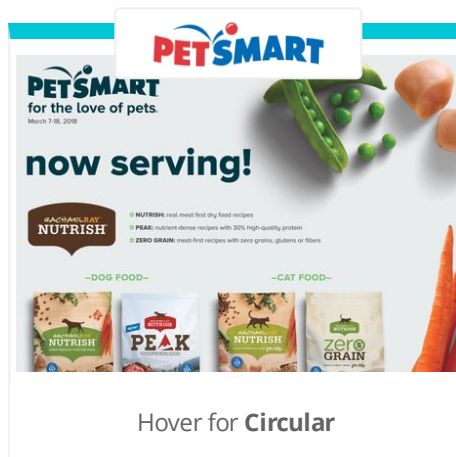
Dr. Gonzalez says, "It's a partnership, all of us are in this to take Laredo to the next level in all services. Certainty in the health department and in research and so I feel very positive on this last tour."

Dr. Gonzalez also met with the Department of Agriculture to speak about food safety and exhibit some of the projects that are being held in Laredo. ✕

According to Dr. Gonzalez, one of the projects discussed was the possibility of having the Farmers Market more than once a month so that depend on SNAP can buy fresh food.

The health department will have a follow up meeting with the EPA and government representatives to see if these grants will be acquired.

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EPA Proposes Recycling Aerosol Cans as Universal Waste

[Blog](#) Workplace Safety and Environmental Law Alert Blog

USA | March 13 2018

Seyfarth Synopsis: EPA announces its proposal to streamline the regulation of hazardous waste aerosol cans by adding them to the list of materials that can be managed under the Universal Waste management system.

The U.S. Environmental Protection Agency has issued a proposed rule that is intended to simplify the regulation of hazardous waste aerosol cans by adding them to the list of materials that can be managed under the Universal Waste management system under 40 CFR Part 273. Some states, including California, Colorado, Minnesota, New Mexico, Texas, and Utah have already added aerosol cans to their Universal Waste lists. Adding aerosol cans to the list of Universal Wastes would ease the RCRA burden on generators in the two top economic sectors with the largest percentage of potentially affected entities, the retail trade industry and manufacturing.

Currently the U.S. EPA regulates nonempty aerosol cans as RCRA hazardous wastes in the same manner as other hazardous wastes; that is, hazardous waste aerosol cans are basically subject to the same requirements as drums of hazardous waste, including limitations on accumulation time and volume, manifesting, disposal requirements, employee training, and response to releases. That is, aerosol cans are regulated as hazardous waste when discarded, because propellant in the cans is flammable (i.e., a characteristic hazardous waste) and/or the contents of the cans contain P- or U- listed chemicals regulated as hazardous wastes. Aerosol cans can be excluded from the definition of hazardous waste, but only if they meet certain strict requirements.

Hazardous waste batteries, certain hazardous waste pesticides, mercury-containing equipment, and hazardous waste mercury lamps are already regulated as Universal Wastes. In general, materials managed as universal waste can be stored for 1 year or longer, and do not require a manifest when shipped, provided they are properly labeled, packaged and stored. Universal wastes also do not need to be counted toward a hazardous waste generator's inventory for the purpose of determining whether the generator is classified as a very small quantity generator, small quantity generator, or large quantity generator.

While the rule is expected to be relief to the regulated community, the proposed rule raises nearly as many questions as it answers. For instance, under the proposed rule, an aerosol can is defined as "an intact container in which gas under pressure is used to aerate and dispense any material through a valve in the form of a spray or foam." It remains to be seen, therefore, whether this proposed definition would include items such as cans that dispense product without aerating (e.g. shaving gel). Importantly, the proposed rule also creates uncertainty about when an aerosol can is "intact" or is "empty." This is a key issue because aerosol cans meeting the definition of "empty" are to be excluded from the Universal Waste rule, and the cans themselves would not be hazardous if recycled.

Currently, punctured, empty aerosol cans that are recycled are exempt from RCRA regulation if the puncturing is performed as part of a recycling process, and many companies have invested in can puncturing equipment to render aerosol cans “RCRA-empty” and thus, the cans (not the “drained contents”) are considered exempt from hazardous waste rules. As suggested above, however, in the future, where puncturing and draining would render cans empty, they would not be subject to Universal Waste rules. The issue of whether “puncturing” by the generator (versus the waste handler) is hazardous waste treatment can vary from state to state, and the proposed rule does not provide clarity for generators.

We will continue to monitor development of the proposed rule.

Seyfarth Shaw LLP - Jeryl L. Olson and Craig B. Simonsen

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Brown water woes explained

04:39 / 04:39

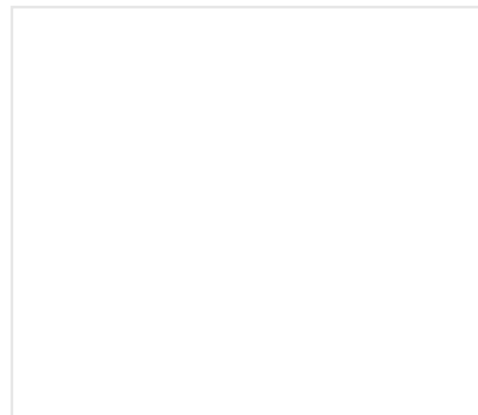
Brown water in St. Tammany, Tangipahoa explained

Some say they've struggled with brown water for years. Others say it all started much more recently.

For the past year, Daniel and Taylor Munns mornings have started as a mystery.

"Sometimes the water comes out brown like coffee, sometimes it's a light brown," said Daniel. "Sometimes it's perfectly clear," said Taylor, "It's just the strangest thing."

The couple lives in the Pine Creek subdivision in the Madisonville area, but residents from more than a dozen neighborhoods near the St. Tammany-Tangipahoa parish line, including Guste Island and Village Bocage, have sent Eyewitness News pictures and videos of the discolored water coming out of their faucets.



Some say they've struggled with brown water for years. Others say it all started much more recently.

"It's frustrating, like I said we used to live 200 yards away for years and never had any problems and now it seems like it's a re-occurring problem for years," said resident Meg Hackney, "It's just kind of scary not knowing what you're putting in your body and what you're bathing in."

"Why is the water brown? What's causing this? Is it safe to drink? Is it dangerous," asked the Munns.

Eyewitness News brought all of those questions to the state Department of Health's Lead Engineer in the New Orleans area, John Williams.

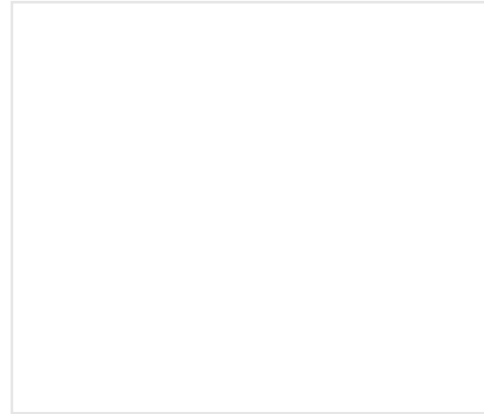
"It's in the ground, it's in the aquifers where the water is being drawn from," said Williams.

It is manganese, a naturally occurring element found in the air, soil and water. Because the EPA does not consider manganese to pose a health risk, water systems are not required to get rid of it.

But with a majority of Northshore residents getting their water from under the ground, why are some having the problem and others not?

"You will have, depending on which aquifer they're drawing from, they will have a unique set of circumstances they will have to deal with," said Williams.

[A rendering from the local U.S. Geological Survey office](#) shows what the system of aquifers looks like. It is described as a series of underground rivers, ranging from 200 feet below surface to as much as 3,000 feet down. Some sit between layers of clay, others between sand. There are thousands of wells in the area aquifers.



"So depending on which one they're drawing from, it's going to have a particular characteristic," said Williams. "Manganese, it can have iron, it can have hydrogen sulfide. At another level, you could have completely different characteristics."

The fact sheet by the U.S.G.S. and the Louisiana Department of Transportation says some aquifers in the area may contain iron or manganese concentrations that exceed the EPA's secondary maximum contaminant levels.

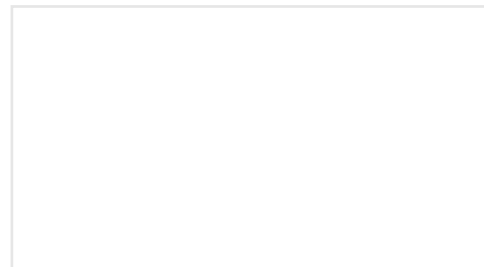
Because of that, some water systems, like Tammany Utilities, flush pipes, starting at the well, every three months. Others, like Tangipahoa Water District, spent more than a million dollars to put an industrial filter on their Bedico area well.

But another question is why some residents are only starting to see the problem now?

"Over decades, that manganese is building up in the distribution system and it's depositing scale on the pipes and on the bottom. It gets to the point where they can't touch their distribution system without disturbing it and once they disturb it, it shows up at the customer," said Williams. "So the two go hand-in-hand. It's in the well and it's in the distribution system. You can have one without the other, or both. And it really is incumbent on the system to evaluate both and figure out what they have to do to get it to where they need it to be."

But residents have options to control their brown water issues too. Aside from getting a whole-home filtration system, like some have done, residents are encouraged to flush their own water lines every quarter with cold water. It's advised to bump that up to once a week on faucets that are infrequently used, like guest bathroom tubs. If you're seeing the brown water when using hot water, it's suggested to drain and clean your hot water heater. And when you're gone on vacation, run all your faucets upon return. And you get brown water, report it directly and immediately to your service provider, not just social media.

For many residents, they say knowing about their water source quirks helps, but they still expect to get clean, safe water.





"I want to see it fixed," said Hackney, "I want to be able to go to sleep knowing that when I wake up to care of my kids that I'm not gonna put them in dirty water or unhealthy water."

Many say the days of sitting silently waiting for that to happen are coming to an end.

Last legislative session, lawmakers passed a bill requiring the Department of Health to start evaluating water utility system across the state, and present its finding to the Legislature.

The author of that bill has filed new legislation this session, which began yesterday, that calls for water companies to provide quality status reports on their systems and repair plans for any issues identified in those reports.

More links on this topic are below:

<https://la.water.usgs.gov/publications/pdfs/TR15.pdf>

http://cn.manganese.org/images/uploads/pdf/Manganese_Fact_Sheet_6_HR.pdf

<https://pubs.usgs.gov/wsp/wsp2254/pdf/wsp2254a.pdf>

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Wednesday, March 14, 2018
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Farming agency hails visit to D.C.

By Frank E. Lockwood
Posted: March 14, 2018 at 1:54 a.m.

◀ 1

WASHINGTON -- Ask and ye shall receive?

Arkansas Farm Bureau President Randy Veach says it really works.

Last week, the group's board members and several staff members -- 16 in all -- traveled to 1600 Pennsylvania Ave. and met with one of President Donald Trump's aides about agriculture, infrastructure and the environment.

The Arkansans initiated the consultation.

"If you're bold enough to ask, they might just say 'yes,'" Veach said. "We called and asked. They gave us the meeting."

Alex Herrgott, the associate director of infrastructure at the White House Council on Environmental Quality, briefed his guests on the president's new infrastructure proposal, which envisions a \$50 billion investment in rural infrastructure.

The Pennsylvania Avenue meeting broke new ground for the organization, according to Arkansas Farm Bureau spokesman Steve Eddington.

"They've been to the White House for tours and things like that, but as far as we can tell, never for a meeting like that. So, yeah, that's a big deal," he said.

Afterward, the Arkansans were summoned to meet with the head of the Environmental Protection Agency.

"They found out that we were in D.C., and EPA Administrator Scott Pruitt had his people to call us and ask if we could meet with him," Veach said. "I'll be honest with you: I've been coming to D.C. for a long [time] and this is probably one of the best meetings I've had in D.C."

Pruitt, a former Oklahoma attorney general, met with about 30 Arkansans and left a good impression, Veach said. "He is very, very understanding and smart. Very understanding and he listened. He's not telling you, 'This is the way it's going to be,' and that's huge," Veach said.

Pruitt, who traveled to Arkansas in July and discussed environmental matters with state officials, portrayed last week's meeting as productive.

"We always appreciate hearing from our nation's first environmentalists, including Arkansas Farm Bureau," he said in a written statement. "EPA is working to provide regulatory certainty, promote environmental stewardship, and reaffirm President Trump's commitment to farmers and ranchers across the country."

A key topic of conversation: EPA water regulations and Arkansas' Discovery Farms, a dozen farms where water quality is carefully studied.

The "research is coordinated by faculty from the University of Arkansas' Agriculture Division and is conducted in collaboration with federal and state agencies promoting conservation of our natural resources," the Arkansas Agricultural Experiment Station website states.

While in Washington, the Arkansas Farm Bureau delegation engaged in a little international diplomacy, consulting with Mexican and Canadian embassy staff members about the North American Free Trade Agreement.

"We talked about the importance of NAFTA to the United States and our farmers and ranchers, for sure. But we talked about ... how important it is to Canada and Mexico as well. And they all agree. It's an extremely important trade agreement for them as well," he said.

Before leaving town, the Arkansans checked in with members of the state congressional delegation and their staff members.

It's time for Congress to reauthorize the farm bill, which covers everything from crop insurance and agricultural subsidies to food programs.

U.S. Sen. John Boozman, a Republican from Rogers, serves on the Senate Agriculture Committee. U.S. Rep. Rick Crawford, a Republican from Jonesboro, serves on the House version.

Veatch is letting lawmakers know that farmers need a stronger safety net.

"If we have disasters and cattle drown and crops are destroyed and poultry houses are blown away and things like that, then we've got to have some protection for those farmers. One event like that can actually take out generation after generation of farmers, all in one fell swoop," he said.

Business on 03/14/2018

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FayFan • 2 hours ago

No surprise the AR Farm Bureau is cozying up to the Feds at this time. Congress is considering two bills at this very moment that would gut environmental laws presently in place to protect clean air and water from the ravages of factory farms like the CAFO in the Buffalo National River watershed. This is the same CAFO that was built using juicy loan guarantees for 97% of the construction costs from the Small Business Administration and Farm Services Agency, a division of the U.S. Department of Agriculture.

Meanwhile back at home our own state lawmakers just passed a bill to limit citizens' input on permit amendments for existing CAFOs even though it has become abundantly clear that the existing one in the Buffalo National River watershed was never properly reviewed in the first place by ADEQ before they mistakenly granted its original permit in 2012.

Big Ag is a big deal in Arkansas but so is tourism. And when it comes to a truly sustainable future for the Natural State, the latter beats the former hands down.

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Rusty Turner: RT @nwademgaz: Police identify men who died in Lowell crash bit.ly/2Fib3Ya pic.twitter.com/v0XyVrcqf

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Northwest Arkansas Democrat-Gazette: Police identify men who died in Lowell crash <http://bit.ly/2Fib3Ya> (Tin Photos)

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TOPICAL

Advocates: Efforts to protect Illinois River stalled

By Grant D. Crawford gcrawford@tahlequahdailypress.com 7 hrs ago



Jamie Seed | Courtesy photo

Norma Boren, left, and Ed Brocksmith, secretary-treasurer for Save the Illinois River, hold up their signs during a protest outside of a Tyson Foods shareholder meeting.

Jamie Seed



Progress toward a cleaner Illinois River appears to have stalled, and advocates for improved water quality are voicing their frustration with the powers that be.

The 15th element on the periodic table, phosphorous, is a vital nutrient for plant life. It's often found in agricultural fertilizers, manure and organic wastes in sewage. However, when too much phosphorous is in water, it can produce more algae than the ecosystem can handle, eliminating the oxygen that can lead to mass deaths of fish. The algae can also grow harmful bacteria that will make people sick when drinking water becomes contaminated.

Ed Brocksmith, secretary-treasurer for Save the Illinois River, said that poultry farms are partly to blame for excessive phosphorous levels - by 90 percent - found in the Illinois River at the Oklahoma and Arkansas state line.

"All of this type of pollution from poultry waste has been identified in various reports as the primary source of pollution in the Illinois River Watershed," said Brocksmith. "It's called non-point source pollution. In other words, it's not coming out of a pipe like at a sewage treatment plant. It's coming off of parking lots at Walmarts and city streets, but mostly from farms that grow chickens and cattle."

Brocksmith added that farms throughout the watershed use poultry waste as fertilizer to grow grass to feed cattle. According to the Oklahoma Department of Agriculture's poultry litter report, 15,704 tons of poultry litter were applied within the watershed from July 1, 2016, through July 30, 2017. In the entire state, 166,400 tons of litter were applied to a total of 93,505 acres.

Environmental advocates have since created a nationwide campaign, "Clean it up, Tyson," urging Tyson Foods and its peers to help improve farming practices within the agricultural systems. The groups pushed for support of a resolution at a recent Tyson shareholders meeting, asking the company to do its part to reduce water contamination. One of the first demands was to use less fertilizer.

"We're calling on Tyson to source from farmers that don't over-apply fertilizer," said Michael Greenberg, campaign organizer for Mighty Earth. "At the moment, only about half of all fertilizer that is applied to fields is actually absorbed by the plant. So the overuse of fertilizer is a really, really huge environmental problem for a bunch of different reasons, one of which is that the excess fertilizer runs off and pollutes the drinking water."

The runoff that eventually goes into the watershed doesn't stop there. As it flows into other portions of the country via streams and rivers, it eventually makes its way to the Mississippi River. The nutrients therein make their way into the Gulf of Mexico, where the largest "dead zone" in history was measured in 2016.

"The dead zone is the size of New Jersey now in the Gulf, and that's mostly because of our [agriculture] systems," said Greenberg. "When the fertilizer reaches the Gulf, it creates an algal bloom, so it essentially leads to more algae than the normal amount that would naturally otherwise be there. Then this algal bloom depletes the amount of oxygen within the water, and that prevents fish from being able to populate it. The dead zone sort of emerges every year."

STIR has applauded Tyson for its corporate social responsibility, but believes the company isn't doing enough to protect the environment.

"In 2015, Tyson reportedly made charitable donations of \$8 million," said Denise Deason-Toyne, president of STIR, during a news conference outside of the recent shareholder meeting. "Of the \$8 million, only 8 percent, or approximately \$640,000, went toward environment and sustainable agriculture support. Given the amount of damage that Tyson has caused in the Illinois River watershed, that amount is paltry. Further, given that in 2015 Tyson reportedly had \$2.5 billion in operating income, the \$640,000 is chicken feed."

Tyson was recently slapped with a \$2 million criminal fine by the state of Missouri after pleading guilty in September to misdemeanor Clean Water Act violations. Brocksmith said he believes this, and the outpouring of public pressure on Tyson, should make the meat company aware of widespread concerns.

However, progress toward a cleaner river system comes with more hoops to jump through than just calling out Tyson Foods. To address the non-point source pollution affecting the Illinois River watershed, Brocksmith said a TMDL - total maximum daily load - needs to be established.

"[Addressing non-point source pollution] has got to happen and a TMDL will help do that, because a TMDL will set a so-called pollution diet that will tell sewage plants what they've got to do," said Brocksmith. "It will also tell production agriculture - including the poultry companies like Tyson - how much they've got to clean up their act."

It was around five years ago that the Environmental Protection Agency announced it would work with Arkansas and Oklahoma to develop a TMDL for the Illinois River, and a separate one for Lake Tenkiller. A TMDL for impaired streams is also required by the Clean Water Act.

"The Illinois River is impaired by several things - mainly phosphorous nutrients that produces algae in overabundance, destroying the scenic value of our rivers, the safety of our rivers and our drinking water," said Brocksmith. "And the EPA has not completed a TMDL, although it said five years ago it

was going to do it."

In fact, Brocksmith was involved in a federal court lawsuit years ago to try and force the EPA to complete a TMDL. The case was eventually dismissed. In Arkansas, the Illinois River is not considered a state scenic river, said Brocksmith, and there are no phosphorous standards for it in Arkansas.

"Therefore, they don't consider it to be impaired, so that's their excuse for not doing a TMDL for the Illinois River," said Brocksmith. "Oklahoma, on the other hand, has water quality standards that are being violated and should have done a TMDL years ago."

The Joint Scenic Rivers Study Committee has recommended that an appropriate TMDL would be .035 mg/L. Meanwhile, Brocksmith said the waste water treatment plant in Tahlequah has a phosphorous limit of one mg/L.

"Nothing can happen significantly to clean up the Illinois River, other scenic rivers and Lake Tenkiller, until this job is completed," said Brocksmith. "We're dead in the water."

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Grant Crawford



XploSafe of Stillwater gets grant to capture nutrients from wastewater as a fertilizer



by Jack Money • Published: March 14, 2018 5:00 AM CDT • Updated: March 14, 2018 5:00 AM CDT



This photograph shows some of the same plants eight weeks later. [Image provided]

STILLWATER — A company specializing in explosives detection is well on its way to demonstrating how its science also can tackle an ongoing sewage-based nitrogen and phosphorous environmental hazard that plagues ponds, lakes, streams and even the Gulf of Mexico.

XploSafe is among six small businesses that will share \$1.8 million in funding awarded through the Environmental

Protection Agency's Small Business Innovation Research Program.

The \$300,000 XploSafe received will be used by the firm to scale up and demonstrate technology it developed to create a material capable of absorbing ammonium, nitrate, urea and phosphate nutrients from sewage wastewater streams and can be used as a high-quality, slow-release fertilizer.

Currently, wastewater treatment protocols used to recover those nutrients create materials that sometimes are used as fertilizers, but often are trucked to landfills for disposal.

Runoff, seepage and untreated sewage flows containing those nutrients ultimately find a way into ponds, lakes, waterways and even the Gulf of Mexico, where they create issues for municipalities that purify lake water for potable uses and hazards for a variety of different plants and wildlife living within those ecosystems.

XploSafe said the product is expected to reduce or eliminate the discharge of nutrients into surface waters, preventing algae growth that can reduce oxygen levels and negatively impact aquatic life.

Allen Apblett, a co-founder of XploSafe and its president, applauded the EPA for the technologies development program, saying he's been concerned about the hazards posed by those nutrients for a long time.

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"I've seen a lot of ponds and various places where there is just way too much phosphorous nutrients resulting in algae blooms and dead fish," said Apblett, who also is a chemistry professor at Oklahoma State University.

"Plus, Tulsa gets all of its water from lakes that are polluted from chicken poop," he said. "And so they have problems in the summer trying to get their water purified."

He said current sewage treatment technology turns those nutrients into pollutants.

"So, I put on my thinking cap and we came up with something where we take essentially a natural product, manipulate it with some mineral additions, and convert it into something that can do a very good job of removing nutrients from water.

"And when we put it in the ground, the product rots and releases the nutrients back" into the soil, where plants can use it to grow.

Shoaib Shaikh, a co-founder of XploSafe who is its financial operations manager, said the material it developed consists of pellets 1 to 2 millimeters in diameter stacked in filters to chemically absorb the harmful nutrients from the water.

He said the used pellets can be stored and can be sold by treatment facilities for use as a fertilizer that provides a slow release of nutrients.

The process also reduces the amount of material produced by treatment facilities that must be hauled to landfills, and reduces greenhouse gas emissions attributable to wastewater treatment, nutrient recovery processes and other materials management activities.

Shaikh said the company demonstrated its product's viability during a first phase of funding from the EPA by working with Stillwater's Water and Wastewater Services Department to collect the pollutants at its sewage treatment plant, and then Oklahoma State University to research the product's use as a fertilizer.

"Our technology gives you the option to not only treat the waste streams, but also to leverage the nutrients you capture from the waste streams" in a beneficial way, Shaikh said.

"You have a cradle-to-grave application where you can continue to use these nutrients," he said.

XploSafe emerged as a fledgling business in 2009 when it created a nanotechnology-based ink that changes color after detecting peroxide, chlorate and nitro based explosives.

Its products are used by bomb squads, first responders, the Transportation Security Administration and military and security personnel.

XploSafe officials said there is an immediate need to address problems caused by more than 1.2 trillion gallons of untreated sewage, groundwater and industrial waste that flow into waterways annually.

This research opportunity, Shaikh, Apblett and EPA officials said, enables XploSafe and the other five companies receiving funds through the grant to get their products ready for commercial markets.

"Through this funding, these companies will create jobs and create value in the marketplace, all while developing innovations that protect the environment and human health," Scott Pruitt, EPA's administrator, stated as part of a news release announcing the grants.



Jack Money



Before leaving The Oklahoman in 2009, Jack Money worked on the paper’s city, state and metro news desks for nearly two decades, including a stint... read more ›

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LDEQ seeks fundable projects, emphasis on green

Posted: Mar 13, 2018 1:51 PM CDT

Updated: Mar 13, 2018 1:51 PM CDT

BATON ROUGE - (Press Release) The Louisiana Department of Environmental Quality's Clean Water State Revolving Fund(CWSRF) is seeking qualified eligible projects to be considered for funding. Priority will be given to projects meeting the requirements of the Green Project Reserve (GPR).

CWSRF eligible projects include, but are not limited to, the construction, alteration or repair of publicly owned treatment works (POTW) as well as implementation of nonpoint source pollution control and estuary management programs. GPR projects are classified as one or more of the following categories: green infrastructure, water efficiency, energy efficiency and environmentally innovative. GPR projects must also qualify as an eligible project under the CWSRF.

The CWSRF program provides financial assistance to any political subdivision, public trust, agency or commission of the state, or a private entity in the form of below-market interest loans.

For additional information about the LDEQ CWSRF program, visit www.deq.louisiana.gov/CWSRF.

In order to apply, complete and submit the CWSRF pre-application which can be found by clicking Apply on the webpage.



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New Orleans Approves Natural Gas Power Plant Despite Environmental Racism and Climate Concerns

[Julie Dermansky \(/user/julie-dermansky\)](#) | March 13, 2018



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Despite hearing over four hours of public comments mostly in opposition, New Orleans City Council recently approved construction of a \$210 million natural gas power plant in a predominantly minority neighborhood. Entergy is proposing to build this massive investment in fossil fuel infrastructure in a city already plagued by the effects of climate change.

Choosing a gas plant over renewable energy options flies in the face of the city's own climate change plan and the mayor's support for the Paris Climate Accord, said several of the plant's opponents at the heated meeting when City Council ultimately voted to approve the plant.

"It is not enough to plan for how we will adapt to climate change. We must end our contribution to it," wrote Mayor Mitch Landrieu in the introduction to the [city's climate action plan](https://nola.gov/nola/media/Climate-Action/Climate-Action-for-a-Resilient-New-Orleans.pdf) (<https://nola.gov/nola/media/Climate-Action/Climate-Action-for-a-Resilient-New-Orleans.pdf>). Released in 2017, the plan calls for halving the city's greenhouse gas pollution by 2030.

Members of a coalition opposing the plant, formed in 2016 after Entergy first announced its plans, expressed outrage that the council was unwilling to at least postpone its vote after hearing over four hours of public comments, many against it.

This coalition includes residents from New Orleans East, where the plant is slated for construction, community activists, and environmental justice groups.

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Members of the New Orleans East Vietnamese community waiting to get into the New Orleans City Council meeting on March 8.

New Orleans regulates its own utilities, giving the City Council direct oversight of Entergy, the company that provides power to the city. [The council's Utility Commission voted to approve the project](http://www.theadvocate.com/new_orleans/news/article_debfbdbc-1740-11e8-bbef-5f52d37d4de0.html)

(http://www.theadvocate.com/new_orleans/news/article_debfbdbc-1740-11e8-bbef-5f52d37d4de0.html) on February 21, weeks ahead of a Louisiana Department of Environmental Quality (LDEQ) hearing on March 6 which considered Entergy's air permit application and the full City Council vote on March 8.

Before the public weighed in at the council meeting, the City Council's energy consultants from Dentons US LLP, a Washington, D.C.-based utility law firm, concluded that the project was in the city's best interest. The consultants determined that the proposed 128-megawatt plant and its seven natural gas-fired engines would ensure the city has enough power at peak energy times and avoid outages that have afflicted the city.

The plant will be built in New Orleans East, home to predominantly African-American and Vietnamese communities, an area that the Federal Emergency Management Agency has designated as a flood zone.

Tim Cragin Regulatory Council for Entergy New Orleans



As [The Advocate](http://www.theadvocate.com/new_orleans/news/article_242ab612-22eb-11e8-9896-93211348f8a0.html) reported

(http://www.theadvocate.com/new_orleans/news/article_242ab612-22eb-11e8-9896-93211348f8a0.html): “Entergy officials, meanwhile, listened on the sidelines, rather than actively defending their proposal as they have done for months.”



Rev. Willy Gabriel, pastor of West Baptist Church, speaking in support of Entergy's gas power plant surrounded by others who support the plant.

Other concerns raised about the plant centered on environmental racism for siting yet another industrial project in a community of color and its potentially harmful effects on the environment and public health.

Pat Bryant



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Happy Johnson, author and humanitarian, rebuked the council's Utility Commission for pushing for a vote before the LDEQ's hearing. "A vote in favor of a gas plant proposal before an air quality hearing is like getting on a boat with holes in it [or] flying a plane without a pilot," Johnson said. "It does not give people in the community faith at all. It is an irresponsible government practice."

Happy Johnson





Councilmember-at-Large Jason Rogers Williams, who at times was confrontational with speakers during the New Orleans City Council meeting on March 8.

By the time the council voted 6-1 in favor of the project, only its opponents appeared to remain in the room.

Afterward, council members offered explanations for refusing to delay the vote and for their support of the project, trying to justify their actions to the crowd.

Councilmember Susan Guidry was the lone “no” vote. She said she voted against the plant because not only will it contribute to climate change, she doesn’t believe it will solve New Orleans’ energy outage issues. “The cost of the plant will be on your bills for the next 30 years,” Guidry said. “The plant’s technology would likely be obsolete before you finish paying for it.”

While Guidry agreed with the consultants’ finding, which said “Entergy has a critical and urgent reliability issue that needs to be addressed,” she doesn’t believe allowing the company to build a new gas plant will address that issue. Instead she stressed the need to fix the deteriorating transmission and distribution system that has caused thousands of power outages.



Forest Bradley-Wright with the Alliance for Affordable Energy and several other speakers at the meeting concurred. As he explained in an editorial in [The Advocate](http://www.theadvocate.com/new_orleans/opinion/article_6966b1ae-11d9-11e8-b415-f738dc30c7b5.html) (http://www.theadvocate.com/new_orleans/opinion/article_6966b1ae-11d9-11e8-b415-f738dc30c7b5.html): “Issues with our transmission and distribution problems, not lack of power, caused 100 percent of the outages we experienced. Entergy’s proposed plant would not have prevented any of them.”

While the rest of the council had misgivings about the plant and expressed disappointment that Entergy failed to propose more than one option, as instructed, the six who voted for it accepted the consultants’ conclusion that the plant would be in the city’s best interest.

Mayor-elect and current Councilmember Latoya Cantrell



Mayor-elect and current councilmember LaToya Cantrell said she feels that the city needed to do something now, and though she didn't like that Entergy did not propose other solutions, the council needed to take it, claiming that a "yes" vote was their only responsible option.

Fracking, the Elephant in the Room

Josh Fox, Oscar-nominated filmmaker of *Gasland*, weighed in at the meeting. He warned the council about the impacts the [hydraulic fracturing \(fracking\)](http://www.desmogblog.com/fracking-the-future/) industry has already had on the climate and environment. Supporting new natural gas infrastructure projects over renewable energy runs counter to the Democratic platform, he told them. [Most natural gas produced in the U.S. \(https://www.eia.gov/energyexplained/index.cfm?page=natural_gas_where\)](https://www.eia.gov/energyexplained/index.cfm?page=natural_gas_where) today is extracted via fracking.

Josh Fox



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Though the Obama administration claimed that natural gas was a “bridge fuel” to cleaner energy sources, scientists since have linked rising natural gas production in North America to the [increase in global methane emissions](http://www.desmogblog.com/2018/01/16/nasa-study-resolves-climate-mystery-confirms-methane-spike-ties-oil-gas) ([//www.desmogblog.com/2018/01/16/nasa-study-resolves-climate-mystery-confirms-methane-spike-ties-oil-gas](http://www.desmogblog.com/2018/01/16/nasa-study-resolves-climate-mystery-confirms-methane-spike-ties-oil-gas)), a potent greenhouse gas.

In March 2017, [a study by researchers at Purdue University and the Environmental Defense Fund](http://www.desmogblog.com/2017/03/20/natural-gas-power-plants-fracking-methane) ([//www.desmogblog.com/2017/03/20/natural-gas-power-plants-fracking-methane](http://www.desmogblog.com/2017/03/20/natural-gas-power-plants-fracking-methane)) found that natural gas power plants put out between 20 and 120 times more methane pollution than previously believed, due in part to accidental leaks and deliberate “venting.” And as far back as 2011, researchers from Cornell University warned that switching from coal to gas could be a grave mistake for the climate.

Environmental Racism

Residents of New Orleans East, a predominantly African-American and Vietnamese neighborhood, are no strangers to what they say is clear environmental racism.

During Hurricane Katrina, their community was one of the hardest hit in the city, and among the last to recover.

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Opponents of Entergy's natural gas plant at the New Orleans City Council meeting.

Many Vietnamese residents, whose distrust of the city's interpreter prompted the community to choose its own, brought up the council's decision after Hurricane Katrina to place a hurricane debris landfill near the Village de l'Est community. They say that project brought with it toxic fumes and health risks and that a new toxic project was not welcome.

Mark Nguyen



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Minh Nguyen of VAYLA At DEQ Permit Hearing



Elders in the community worry about impacts the plant would have on their children's health. Cam Tran lifted Christina Tran, age 5, up to the podium so she could have her say. "Please protect us from harm," the child said.



Christina Tran addresses the New Orleans City Council before the vote on Entergy's gas plant.

Larry J. Morgan, an 85-year-old African-American retiree, told the council that if they allow the plant to be built they would be responsible for the deaths of unborn babies, alluding to [studies raising questions](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4123033/) (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4123033/>) about the [effects of natural gas development](http://www.publichealthjrnl.com/article/S0033-3506(13)00241-2/fulltext) ([http://www.publichealthjrnl.com/article/S0033-3506\(13\)00241-2/fulltext](http://www.publichealthjrnl.com/article/S0033-3506(13)00241-2/fulltext)) on pregnant women and infants (https://www.degruyter.com/view/j/reveh.2014.29.issue-4/reveh-2014-0057/reveh-2014-0057.xml?hc_location=ufi&format=INT).



Larry J. Morgan called the New Orleans City Council “murderers” after they voted to approve Entergy’s natural gas power plant.

And Pearl Cantrell, a white New Orleans resident with the 600-member Kenilworth Civic Association, confronted race head on: “Please, do not put what you don’t want anywhere else in New Orleans East.”

Battle Against the Gas Plant to Continue

In the week preceding the council meeting, the coalition against the plant held numerous events aimed at stopping the project’s approval. They staged a rally at New Orleans City Hall on March 3 before boarding buses for Killona, Louisiana, in the heart of [Cancer Alley](http://www.desmogblog.com/louisiana-cancer-alley-communities-gulf-petrochemical-pollution) (<http://www.desmogblog.com/louisiana-cancer-alley-communities-gulf-petrochemical-pollution>). There, they held a protest march that traveled past Entergy’s Waterford 3 Nuclear Power Plant and ended at the Holy Rosary Cemetery in Hahnville, next to a Dow Chemical plant.

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Pat Bryant (left) leading a march on River Road in the middle of Louisiana's Cancer Alley against Entergy's proposed gas plant and environmental racism. Behind the marchers is Entergy's Waterford 3 Nuclear Power Plant.

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Protest march in Louisiana's Cancer Alley against Entergy's proposed gas plant.

Bryant, one of the march's leaders, told me how Cancer Alley got its name. Roughly thirty years ago when [leading a march on the same route](http://articles.chicagotribune.com/1988-11-20/news/8802170889_1_mississippi-river-bridge-greenpeace-marchers) (http://articles.chicagotribune.com/1988-11-20/news/8802170889_1_mississippi-river-bridge-greenpeace-marchers), he helped come up with the unofficial name for the 85-mile industrial corridor stretching from Baton Rouge to New Orleans that is home to a large portion of the nation's petrochemical production.

Since that time, state regulators, including the [current head of LDEQ, Chuck Carr Brown](http://www.desmogblog.com/2017/04/19/st-john-baptist-parish-fight-clean-air-louisiana-cancer-alley-denka-chloroprene) (<http://www.desmogblog.com/2017/04/19/st-john-baptist-parish-fight-clean-air-louisiana-cancer-alley-denka-chloroprene>), point to the state's cancer registry to try to debunk the claim that Louisiana has a "Cancer Alley." The Louisiana Tumor Registry "doesn't show any elevated levels of cancer at all in any group of people," Brown said at a parish council meeting in St. John the Baptist, across the Mississippi River from where the group marched.

But many assert that the tumor registry's data don't give an accurate picture because it uses larger population groupings, which include many people who are not living in close proximity to the corridor's industrial plants, diluting cancer reports from those who do.

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©2018 Julie Dermansky

Sylvia McKenzie at the state Department of Environmental Quality air quality permit hearing for Entergy's gas plant in New Orleans East on March 6.

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Packed house at LDEQ's air quality permit hearing for Entergy's gas plant in New Orleans East on March 6.

In a final push against the plant, many from the coalition arrived hours early to assure entry to the March 8 council meeting. By the time the council approved the plant, coalition members felt utterly let down, with some leaving the emotional meeting wiping away tears.

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Gathering outside New Orleans City Hall after City Council voted to approve Entergy's gas plant.

Afterward, Bryant gathered everyone in a circle in front of City Hall, where the group prayed together and vowed to regroup and fight on.

The stakes are high. Many believe their lives, as well as the city's future, hang in the balance.

DESMOG

CLEARING THE AIR POLLUTION THAT CLOUDS CLIMATE SCIENCE



The coalition against the gas plant shows the colors of their hands, celebrating their racial diversity after the New Orleans City Council meeting March 8.

Pat Bryant



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photos © Julie Dermansky

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TCEQ resolution requests action of Comal County state officials

Posted: Wednesday, March 14, 2018 12:00 am

By Keri Heath The Herald-Zeitung |

The city council unanimously passed a resolution requesting the Texas Commission on Environmental Quality (TCEQ) take necessary reviews to ensure the health of Comal County citizens at its regular meeting Monday night at city hall.

The statement was prompted by a planned Vulcan Materials Company quarry on the corner of Farm-to-Market 3009 and Highway 46.

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